

## REMARKS

The examiner has rejected claims 94, 95 and 96 as anticipated by United Kingdom Patent GB 23133326 A to Wai Seng Lam. The Lam patent describes a toy comprised of an outer plastic container into which air is injected for purposes of causing the toy to move horizontally through the water. Specifically, the force of the injected air is used to turn a rotating internal paddle wheel, which drives an external propeller that causes the toy to move horizontally across the water. The air is released through an opening in the plastic container.

The present invention, by contrast, is a floating habitat comprised of mesh and buoyant growth medium designed to support plant life. The mesh is comprised of a bottom mesh and a top mesh, which can be separate pieces or the same piece of material. An air compressor is used to sparge air bubbles under, around and through the floating habitat to minimize ice buildup around the floating habitat and also to enhance the growth of plants that are supported by the buoyant growth medium. Some of the air bubbles adhere to the mesh itself, thereby providing greater buoyancy to the floating habitat, and some dissolve into the void space in the growth medium itself, thereby increasing the dissolved air concentration of the water that fills the void space in the buoyant growth medium. In addition, some of the air bubbles are released through openings in the mesh, thereby increasing the dissolved air concentration in the water surrounding the floating habitat. The remainder of the air bubbles is released through the top mesh into the atmosphere.

The mesh itself is sufficiently pliable, or the holes in the mesh are sufficiently large, to allow stems and roots to grow through it. It is also sufficiently rigid, or the holes in the mesh are small enough, to contain the buoyant growth medium.

Claims 94, 95 and 96 have been amended to emphasize these distinctions between the present invention and the Lam patent. The fact that the present invention is comprised of bottom mesh and top mesh is supported by the description of Figure 2 on page 11 of the specification. The limitation that the bottom mesh allows stems and roots to grow through it and contains the buoyant growth medium is supported by the description of Figure 2 on page 12 of the specification. The limitations that (i) a portion of the air bubbles adheres to either the bottom mesh, the top mesh, or the buoyant growth medium, thereby adding buoyancy to the floating habitat, (ii) there is void space in the buoyant growth medium, (iii) a portion of the bubbles dissolves into water that fills the void space in the buoyant growth medium, (iv) a portion of the bubbles is released through openings in the bottom mesh and top mesh into water surrounding the floating habitat, and (v) a portion of the bubbles is released through the top mesh into the atmosphere are all supported by the description of Figure 2 on page 11 of the specification.

The fact that the buoyant growth medium supports vegetation is supported by the statement on page 12 of the specification that buoyant growth medium is comprised of material that is compatible with the selected vegetation, as well as other references throughout the specification to vegetation and/or plants. The fact that the sparging of air bubbles under, around or through the floating habitat minimizes ice damage and enhances

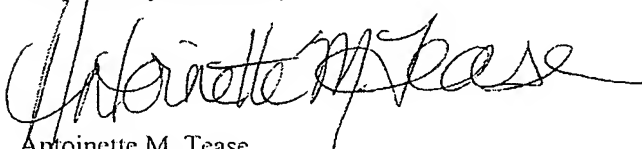
growth of the vegetation supported by the buoyant growth medium is supported by the first full paragraph on page 15 of the specification.

The applicant respectfully submits that with these amendments, claims 94, 95 and 96 should be in a condition for allowance. Because claims 97 and 99 are dependent on claims 94, 95 or 96, claims 97 and 99 should also be in a condition for allowance.

With respect to claim 99, the applicant notes that the examiner has taken the position that Yamamoto (Japanese Patent JP 2001276861 A) stands for the proposition that carbon chips are a plant growth enhancer. The applicant respectfully points out, however, that carbon chips are known to those skilled in the art as a source of organic carbon required by beneficial bacteria, but not as a *plant* growth enhancer. Thus, carbon chips are not considered a plant growth enhancer as that term is used in the context of the present invention. As stated on page 13 of the specification, plant growth enhancers can includes nutrients such as nitrogen, phosphorus, and potassium, pH modifiers, mineral supplements, and mycorrhiza or other symbiotic soil-dwelling organisms.

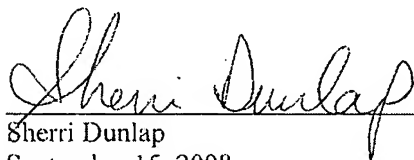
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Respectfully submitted,



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**Certificate of Filing:** I certify that on the date below this document and referenced attachments, if any, were filed with the U.S. Patent and Trademark Office using the EFS-Web filing system.

A handwritten signature in cursive script, reading "Sherri Dunlap", is written over a horizontal line.

Sherri Dunlap

September 15, 2008